

CERTIFICATE

SUPREME COURT OF THE UNITED STATES.

GRANTING TERM, 1922.

No. 202.

THE UNITED STATES OF AMERICA

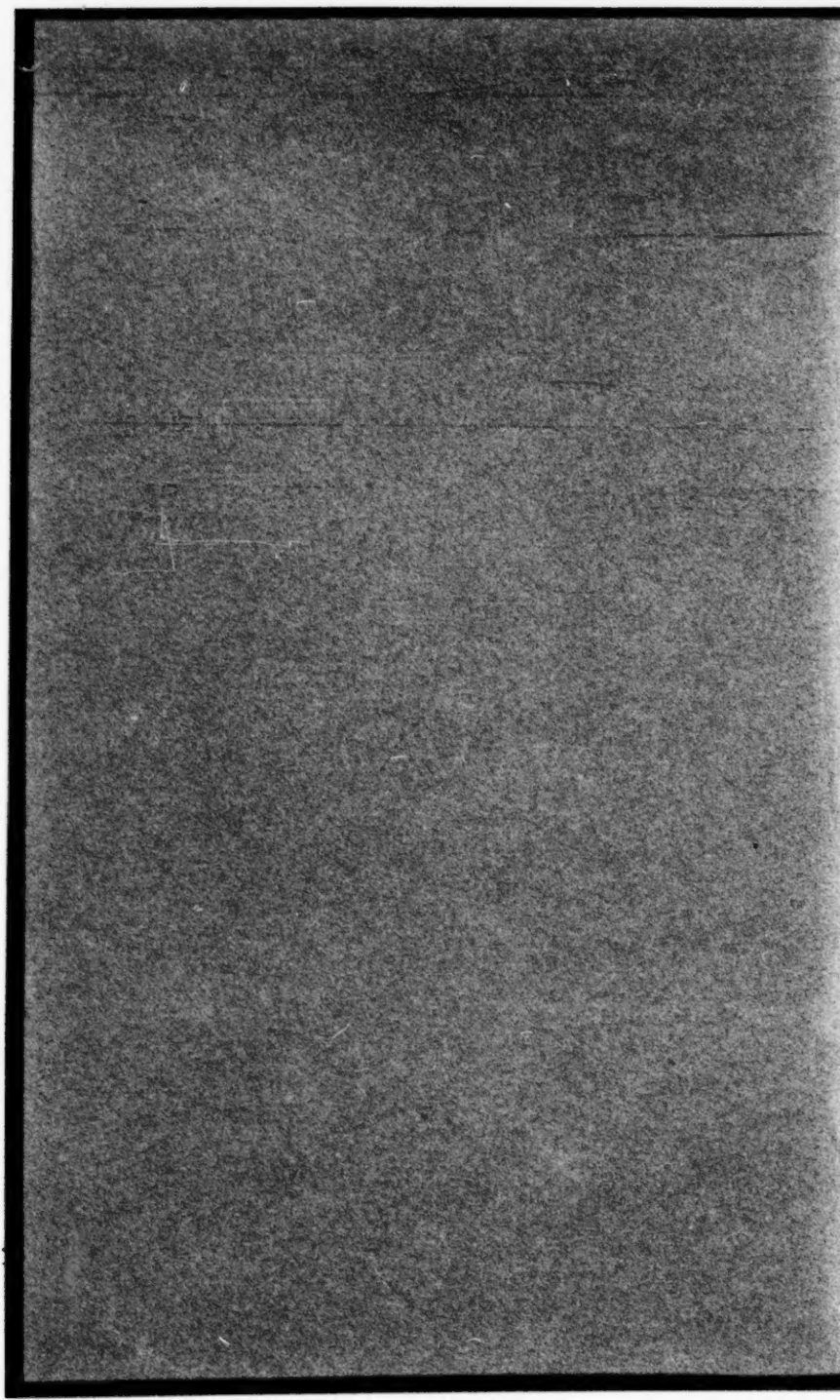
vs.

BHAGAT SINGH THIND.

ON CERTIFICATE FROM THE UNITED STATES CIRCUIT COURT OF
APPEALS FOR THE NINTH CIRCUIT.

FILED OCTOBER 20, 1922.

(23555)



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1 In the United States Circuit Court of Appeals for the Ninth Circuit.

UNITED STATES OF AMERICA, PLAINTIFF APPELLANT,
vs.
BHAGAT SINGH THIND, DEFENDANT RESPONDENT. } No. 3745.

Upon appeal from the United States District Court for the District of Oregon.

CERTIFICATE OF THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT OF CERTAIN QUESTIONS OF LAW TO THE SUPREME COURT OF THE UNITED STATES, UNDER SECTION 239, JUDICIAL CODE.

Before GILBERT, HUNT, and MORROW, Circuit Judges.

This cause came to the Circuit Court of Appeals for the Ninth Circuit upon appeal from the United States District Court for the District of Oregon from a decree and order rendered in that court on March 28, 1921, dismissing a bill of complaint of the United States of America to cancel a certificate of citizenship issued to Bhagat Singh Thind in said court.

2 Bhagat Singh Thind is a high caste Hindu of full Indian blood, born at Amrit Sar, Punjab, India. He was naturalized in the District Court of the United States for the District of Oregon on November 18, 1920, over the objection of the United States, which appeared by its naturalization examiner. Thereafter the United States filed a bill in equity to cancel his certificate of citizenship on the ground that it was illegally procured in that the applicant, being a Hindu, is not a white person and not lawfully entitled to naturalization. Thereupon the sufficiency of the bill was attacked and the following order was made in the District Court:

"This cause coming on for hearing on motion of defendant to dismiss plaintiff's bill of complaint, and it appearing that the complaint does not state facts sufficient to justify relief in equity, for the reason that said bill seeks cancellation of defendant's citizenship on the ground that said defendant is a Hindu, and a native of Punjab, India, and it further appearing that a Hindu is entitled under the laws of the United States to admission to citizenship,

"It is THEREFORE ORDERED, that plaintiff's bill be and it is hereby dismissed."

The questions presented on the appeal are whether a high caste Hindu, a native of India, of full Indian blood, born at Amrit Sar, Punjab, India, is a white person within the meaning of section 2169, Revised Statutes, a question upon which there has been diversity in the Circuit Courts of Appeals and in the District Courts of the United States; and whether such a Hindu, who had lawfully entered the United States prior to exclusion act of February 5, 1917, was thereafter eligible to be naturalized as a citizen of the United States.

The questions of law concerning which the Circuit Court of Appeals for the Ninth Circuit desires instructions from the Supreme Court are:

3 1. Is a high caste Hindu of full Indian blood, born at Amrit Sar, Punjab, India, a white person within the meaning of section 2169, Revised Statutes?

2. Does the act of February 5, 1917 (39 Stat. L. 875, section 3) disqualify from naturalization as citizens those Hindus, now barred by that act, who had lawfully entered the United States prior to the passage of said act?

(Sgd.) WM. B. GILBERT,

(Sgd.) WM. W. MORROW,

(Sgd.) WM. H. HUNT,

*Judges of the United States Circuit Court
of Appeals for the Ninth Circuit.*

Dated San Francisco, California, this 17th day of October, 1921.

(Endorsed:) No. 3745: In the United States Circuit Court of Appeals for the Ninth Circuit. United States of America, appellant, vs. Bhagat Singh Thind, appellee. Certificate of the United States Circuit Court of Appeals for the Ninth Circuit certifying certain questions or propositions of law to the Supreme Court of the United States under section 239 of the Judicial Code. Filed October 17, 1921. F. D. Monckton, clerk, by Paul P. O'Brien.

A true copy:

Attest, October 17, 1921.

[SEAL.]

F. D. MONCKTON, *Clerk.*

By PAUL P. O'BRIEN,

Deputy Clerk.

(Endorsed on cover:) File No. 28,555. U. S. Circuit Court of Appeals, Ninth Circuit. Term No. 202. The United States of America vs. Bhagat Singh Thind. (Certificate.) Filed October 28th, 1921. File No. 28,555.